

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Raymond Orrand, Administrator, et al. et al.	:	Case No. 2:12-CV-688
	:	
Plaintiffs,	:	Judge Sargus
	:	
v.	:	Magistrate Judge Kemp
	:	
Mike's Mobile Service et al.	:	
	:	
Defendants.	:	

ORDER GRANTING DEFAULT JUDGMENT ON AMENDED COMPLAINT

Plaintiffs are the Administrator and Trustees of the Ohio Operating Engineers Health and Welfare Plan, Ohio Operating Engineers Pension Fund, Ohio Operating Engineers Apprenticeship Fund and Ohio Operating Engineers Education and Safety Fund (the "Funds"). They have brought suit against Defendants Mike's Mobile Service and Michael Black pursuant to a collective bargaining agreement, alleging that Defendants have failed to comply with the fringe benefit contribution requirements of their agreement. Although Plaintiffs completed service by certified U.S. Mail of their Complaint on May 30, 2013, Defendants have not moved or pled in response to the Amended Complaint. On July 1, 2013, the Clerk of Court entered default against Defendant; Plaintiffs have now filed a motion for default judgment.

Fed. R. Civ. Pro. 55(b), permits the court to enter default judgment in cases when a sum certain amount or damages have been ascertained. In this case, an affidavit executed by Raymond Orrand, Administrator of the Funds, indicated that Defendants have failed to pay delinquent fringe benefit contributions on the basis of an audit performed on April 5, 2013 along with late charges.

The Court is satisfied that judgment in this amount is a sum which can be made certain by computation, and that Defendant has failed to move or plead in response to Plaintiffs' Complaint. Therefore, for good cause shown, the Motion is **GRANTED**.

It is hereby **ORDERED** that judgment be entered in favor of Plaintiffs Raymond Orrand, et al., and against Defendants Mike's Mobile Service and Michael Black as follows:

1. Audit findings/delinquent contributions for the audit period of April 1, 2011 to April 1, 2013 in the amount of \$3,893.18;
2. Interest in the amount of \$1,001.66 calculated to May 15, 2013 plus \$1.92 per day thereafter as long as the judgment remains unpaid;
3. Statutory interest in the amount of \$1,001.66 calculated to May 15, 2013 plus \$1.92 per day thereafter as long as the judgment remains unpaid;
4. Attorney fees in the amount of \$4,904.00 and court costs of \$350.00.

IT IS SO ORDERED.

 7-11-2013
United States District Judge